



## Frequently Asked Questions on Manhaj : Part 18

### Introduction

All Praise is due to Allaah, we praise Him, seek His aid and His Forgiveness. We seek refuge in Allaah from the evils of our souls and the evils of our actions. Whomsoever Allaah guides there is none to misguide and whomsoever Allaah misguides there is none to guide. I bear witness that there is none worthy of worship except Allaah, alone, without any partners and I bear witness that Muhammad is His servant and messenger.

This is a summarisation of some of the issues of manhaj that have been subject to contention in the current times. The detailed answers and proofs on all the issues addressed in this series can be found on the articles at [Www.Salafipublications.Com](http://Www.Salafipublications.Com) that are related to these matters. This series is aimed at quickly identifying the issues in a brief, yet concise manner, for the benefit of those who may be unaware of these affairs.

### Question 24: What is the issue concerning at-Tahaakum

And amongst their doubts is that they say that if the reference point (for all judgements) is not the Sharee'ah and Sharee'ah alone, then the ruler, alongside his government, is apostate, and that anyone who refers to other laws, is a kaafir, without tafseel.

And this is replied to by Shaikh Ibn Ibraaheem, "And likewise, the implementation of the meaning of 'Muhammad is the Messenger of Allaah' is by judging to his Shari'ah and confining oneself to that whilst rejecting whatever opposes it from the secular laws and all those matters for which Allaah gave no authority. And the one who judges by them (hakama bihaa) or refers to them (haakama ilaihaa) - for judgement **whilst believing in the correctness (sihhah) of that or the permissibility (to judge by them) (jawaaz)**, then he is a kaafir with the kufr that ejects from the religion. And if he does that **without belief (I'tiqaad) in their correctness and (regarding it) permissible to judge by them (jawaaz)**, then he is a kaafir with the kufr in action, which does not eject from the religion." (Majmoo Fataawaa Ibn Ibraaheem 1/80).

And there is also the previous verdict of the Permanent Committee (signed by Imaam Ibn Baaz, and Shaikh Abdullaah bin Ghudayaan and Abdullaah bin Qu'ood) in response to the question, "...what is the ruling upon the one who refers judgement to (yatahaakama) the secular laws (al-qawaaneen al-wad'iyyah) while he knows of their futility, yet he does not fight against these laws and nor does he work to end these laws...?"

The reply of the Permanent Committee: "...Judging (at-Tahaakum) is to Allaah the Most High and to the Sunnah of the Messenger (sallallaahu alaihi wasallam). So if he does not judge to them both (yatahaakam ilaihimaa), whilst making it lawful to judge to other than them (mustahillan it-Tahaakuma ilaa ghayrihimaa) amongst the secular laws (al-qawaaneen al-wad'iyyah) with the hope of deriving some material benefit or for the sake of

honour or for seeking a better position then he is one who is sinful (murtakibu ma'siyyatin) and is a sinner, faasiq, with the lesser fisq with does not expel him from Imaan...". (Refer to Fataawaa Lajnah ad-Daaimah of Shaikh Ahmad bin Abdur-Razzaq ad-Dawaish 1/540-541, Question 3 of Fatwaa No. 6310). Of course, this fatwaa is in relation of Istihlaal of action, not Istihlaal of belief.

So this argument of at-Tahaakum has no basis either, but as we shall see this doubt comes really from those who have been affected by Sayyid Qutb's extremist manhaj on these issues as we shall see later, in that they focus the issue not around the ruler any more but more on the existence of secular laws – in greater or lesser degrees – within the country in question, and in this manner, they are beguiled away from the tafseel of the Salaf in arriving at the judgement of takfir.

Finally, it is important to note that the aim of the Takfiriyyah, Qutubiyyah and others is to depart from the tafseel of the Salaf and tend to the absolution of the Khawaarij. To this end they have doubts that they use, based mainly on false reasoning and also by taking general, ambiguous statements of scholars and applying them or interpreting them in ways that cannot be reconciled with their other more explicit statements, or with what has been agreed upon by the 'Ulamaa.

As for all the ambiguous statements and generalised rulings they bring from the words of the Scholars, then they all fall back upon the tafseel of the Salaf, and this is clear, either in those statements themselves, or in other words of these Scholars which exist in their other works (and sometimes in the same works [and sometimes on the very same page!]).

### **Question 25: What about those who follow the [secular] laws and judgements of the Rulers? Does the tafseel of the Salaf apply to them as well?**

The answer to this lies in what has been explained by Shaikh ul-Islaam Ibn Taymiyyah in "Kitaab ul-Imaan" (p.67), and this ought to be reflected upon carefully – so Shaikh ul-Islaam said, "And those who have taken their priests and rabbis as lords – when they obeyed them in their making lawful what Allaah had made unlawful, and making unlawful what Allaah had made lawful, then they are of two types: The first of them: that they know that they (the priests and rabbis) have made tabdeel (baddaloo) the religion of Allaah **and hence they follow them in this tabdeel believing (ya'taqidoona) in the lawfulness of what Allaah had made unlawful and in the unlawfulness of what Allaah had made lawful**, following their leaders in that, alongside their knowledge that they have opposed the religion of the Messengers, then this is kufr (disbelief), and Allaah and His Messenger have also made it Shirk – even if they (the followers) do not pray or prostrate to them. Hence, whoever followed someone else in something that opposes the religion **while knowing that it opposes the religion, and believes (i'taqada) in what he said, as opposed to what Allaah and His Messenger said, then such a one is a Mushrik, just like them**. And the second type: that their belief (i'tiqaad) and faith (imaan) in the lawfulness of what is lawful and the unlawfulness of what is unlawful is established, however, the follow them (the priests and rabbis) in disobedience to Allaah, just as a Muslim does when he commits a sin and believes that he is a sinner, so these ones have the same ruling as those like them from the people of sin."

And the answer to this is clear, in that obedience to those who legislate laws, in and of itself, is not kufr and shirk unless it is accompanied with belief in the lawfulness of what Allaah made unlawful and vice versa, and belief in what the legislator (besides Allaah) has said. In other words, it like ruling by other than what Allaah has revealed, has the same tafseel to it. This statement of Shaikh ul-Islaam Ibn Taymiyyah has also been quoted by Shaikh Ibn Uthaimeen in his Majmoo' Fataawaa (2/144).

**IMPORTANT NOTE:** In the above quote from Shaikh ul-Islaam, note how he is speaking of the tabdeel that the priests and rabbis have fallen into, when they changed the judgements of Allaah, claiming they were something other than what they really were. This is actually different to those who rule by the secular laws – and who do not even claim that they are from Allaah, and from His Sharee'ah, but readily say, these are the laws of the British, the French, and so on. So if the tafseel that Shaikh ul-Islaam mentions applies to obedience to those who follow in the tabdeel, and believe it, then it also follows – even more so - in the case of those who obey those who rule by the secular laws.

And Shaikh Saalih Aal ash-Shaikh, said, in criticism of the exaggerations of Sayyid Qutb, "And amongst [those matters] is that in the issue of obedience to the Mushrikeen, he did not understand the tafseel of the people of knowledge concerning it. So it is what is understood from his words is that which is in agreement with some of the Extremists (Ghullaat) on the issue of obedience (taa'ah), that is obedience to the Mushriks. Or obedience to the priests and rabbis (i.e. scholars). And from the examples of this is what he has mentioned in Surat ul-An'aam concerning the verse, "And if you were to obey them, you would be Mushriks", so he says many things about this verse. And amongst them is the issue of the clothing of the fashion women and models, which are designed by the fashion agencies in Paris – using his (i.e Qutb's) expression. So he says that those who legislate for the women their clothing, such that in the morning they should wear such and such type of clothing, and in the evening this type of clothing and in the night this type of clothing, and at work this type of clothing and so on... Sayyid Qutb says, that his group of people, meaning the fashion designers, that they are gods (aalihah, plural of ilah) because they have made the haraam to be halaal and so they are obeyed in that, and they made the halaal to be haraam, and so they are obeyed in that. So he (Qutb) says, that the Muslim woman who obeys them in this has taken them as objects of worship (aalihah), because she has obeyed them in making lawful what is unlawful and making unlawful what is lawful. And there is no doubt that these words are baatil (false). Because when a woman wears forbidden clothes which have come from the direction of those designers, this does not at the same time mean she has believed that they are lawful (halaal) for her to wear. For the issue of takfir is in relation to the belief (I'tiqaad) that this thing that Allaah, the Majestic and Exalted, has made unlawful – is actually halaal... So for example, a woman who wears clothing that reveals her bosoms somewhat and her legs, in front of the foreign men, following the fashion designers in this, then if she believes that this act is haraam, yet she is overcome and her Imaan is weak, then this is not kufr and she has not worshipped them. So he (Qutb) has made mere obedience to be kufr, and some of the Jamaa'at have adopted this saying from him, those who have exaggerated in the issue of ruling by other than what Allaah has revealed, (they have taken from him) in the issue of obedience, that

is obedience to the fashion designers and the promoters..."<sup>1</sup> (Cassette: Sharh Kitaab Masaa'il ul-Jaahiliyyah, 2<sup>nd</sup> cassette, 2<sup>nd</sup> side, and it is also in Baraa'ah Ulamaa il-Ummah of Isaam bin Sinaanee, being a compilation of the sayings of the scholars on the deviations of Sayyid Qutb.)

It is important to note here, that the neo-Qutubiyyah, like Safar al-Hawaali, Salman al-Awdah and others, actually took this aqeedah from Sayyid Qutb. Their aqeedah is the Kharijite aqeedah of Sayyid Qutb, and this is where they took it from, and when they made their takfir on account of sin, this is the same type of logic that they used!

**Question 26: Could you explain more about the nature of Istihlaal?**

Whoever ruled by other than what Allaah has revealed, whether he legislated it himself or whether it is the legislation of other than him, and claimed that it is permissible for him to do so (Istihlaal), or that what he is judging by is better, or is equal to Allaah's Sharee'ah, or that the corresponding Sharee'ah law is backward or barbaric and the likes, then such a one is a Kaafir, and he has contended with Allaah in his right of legislation – and has expressed that clearly and openly. This is the tafseel of the Salaf.

However, when a ruler merely passes a legislation – say for example, the allowance of usurious banks in the country – then this in and of itself is not a conclusive indicator that the ruler (or government for that matter) has passed this law due to its belief that ribaa' is lawful (from the Sharee'ah viewpoint), or due its belief that taking ribaa' is better and more superior than not taking ribaa' (from the point of view of the Sharee'ah). Since, it is plausible that ribaa' was allowed due to fisq, and due to seeking unlawful increase, or other matters. The fact that it is done in an institutionalised way, does not necessarily indicate Istihlaal. This is where the error of the neo-Kharijites lies, and where they have been deluded. A person may organise the building of a brothel, and then invite the people to it, for the sake of earning money, or for indulging in debauchery, but the organised way in which he has done it, does not actually indicate conclusively that he has made fornication and prostitution lawful, or that he considers it better than chastity and marriage (from the Sharee'ah viewpoint). Again, this is where the error of the neo-Kharijites lies. Similarly, brothels and prostitutes may be allowed to exist (in a country or a region) by the authority, and – refuge is from Allaah – they may even encourage all of this, but this again does not necessitate Istihlaal that expels from the religion.

Istihlaal is of two types – that of action and that of belief. And Istihlaal itself is actually I'tiqaad (i.e. it is something that is in the heart). Shaikh ul-Islam Ibn Taymiyyah said, "And Istihlaal is I'tiqaad (belief in the heart), that that it is lawful for him, and this can occur sometimes due to holding the belief that Allaah has made it lawful [when He has not] and sometimes due to holding the belief that Allaah has not declared it unlawful, or

<sup>1</sup> And by extension it is also clear that those who rule by the secular laws made up by the Kuffaar and Mushriks, then they are not to be declare Kuffaar merely on the act alone. Rather, when it becomes clear from them that they have made it lawful for themselves (i.e. in belief) claiming it is halaal for them, or when they state that these laws are better than the Sharee'ah or equal to it and the likes, then this is kufr. And in reality ALL of the statements of Ahl us-Sunnah on this topic, fall back upon this tafseel.

sometimes due to not holding the belief that Allaah has actually made it unlawful.” (Saarim ul-Maslool 3/971).

Shaikh Ibn Uthaimeen said, “Istihlaal is that a person believes that something that Allaah has made unlawful is lawful. As for Istihlaal of action, then we need to observe: If this Istihlaal (is related to something) that expels from the religion then a person becomes a disbeliever and apostate by it. So for example, if a person worked with usury (i.e. took or gave usury) without believing in its lawfulness, yet he persists in working with it, then such a one does not become a disbeliever because he did not declare it to be lawful. However, if he said, “Usury is lawful” and he intends by this the usury that Allaah has declared unlawful, then he becomes a disbeliever, since he is a denier (mukaddhib) of Allaah and His Messenger (sallallaahu alaihi wasallam). So in this circumstance, Istihlaal would be that of action and also that of belief, with his heart. However, the Istihlaal in action, we need to look at the action itself, is it something which in and of itself, expels from the religion or not? And it is known that consuming interest does not make a person a disbeliever, rather it is one of the major sins. However, if a person prostrated to an idol, then he becomes a disbeliever. Why? Because this act itself expels from the religion. This is the principle, however it is necessary for us to observe another condition, and this is [to ensure] that the person who made something lawful (by istihlaal) is not excused due to ignorance, for if he is excused due to ignorance, then he does not become a disbeliever.” (Liqaa Baab al-Maftooth no. 1200)

Shaikh Salih al-Fawzan was asked, “Is the one who beautifies evil and lewd acts (faahishah) to the people to be declared a disbeliever? He replied, “Only those who call to kufr, disbelief, are to be declared disbelievers. As for when they call people to sins which do not reach the level of kufr, or shirk, then they are not to be declared disbelievers, however they are sinful on account of this. He (sallallaahu alaihi wasallam) said, “Whoever called to guidance will have the reward of all of those who followed him without there being any decrease in the reward of those who followed him. And whoever calls to misguidance will carry the sin of all those who followed him in that, without there being any decrease in the sin of those who followed him.” [Muslim (2674), Abu Dawud (4609)] (Al-Ajwibah al-Mafeedah)

The error of the neo-Kharijites lies in their taking the open commission of sin, and the organised (or institutionalised) form of committing sin (whether that be taking usury, or fornication or drinking alcohol and wine and the likes) to be indicative of Istihlaal, absolutely.

Shaikh Abul-Hasan al-Misri explains, “And also from their principles [i.e. of the Qutubiyah and Surooriyyah] that they have established is that they say every sin which is organised and arranged (in a systematic manner) is actually kufr. And perhaps this also enters into what has preceded, in that it either relates to Istihlaal (as they see it) or other than that (from what has preceded). Why is it kufr (in their view)? Organised, arranged sin is kufr, why? They say that when you open a bank from the banks of ribaa’ (usury) – and we say ribaa’ is haraam (unlawful) but it is not kufr – however, when you set up certain regulations (qawaaneen) concerning the issues of employment, and responsibilities, that

the day starts at such and such a time, and ends at such and such a time – so they say that all of this indicates that such a person (who arranges all of this) is Mustahill (has made it lawful as a matter of belief). Subhaanallaah! In that case, it is as if these people wish to say that something is not sin unless it occurs chaotically, randomly, and as for organised sin, then it is nothing but kufr! ... We say to you, in that case what is the benefit in your saying that “we affirm the tafseel (of the Salaf) in the issue of ruling by other than what Allaah has revealed, but we do not affirm the tafseel in the issue of tashree’ (legislation)”?.” (Cassette: The Qutubi, Suroori School of Doctrine).